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roll of paper on which are the names of candidates, by a voter who pulls a lever or turns a key, is not the use of a written vote within the meaning of the Constitution." It should be noted that while the reason of the opinion does not rely on the fact, the registration apparatus of the machine in the principal case was invisible to the voter and therefore not within the opinion of Justice LORING, the fourth justice in the decision of 1901.

**EMINENT DOMAIN—TAKING OF RAILROAD RIGHT OF WAY FOR STREET PURPOSES—MEASURE OF DAMAGES.**—Plaintiff, a municipal corporation, brought an action to condemn for street purposes a certain strip of land across defendant's right of way within the corporate limits. A statute of North Dakota requires railroads to build and keep in repair crossings at all points of intersection with public highways. *Held*, plaintiff had a right to such property and defendant was entitled to nominal damages, the measure of damages in such cases being "the diminution in value of" defendant's "exclusive right to the use for railway purposes of the property \* \* \* condemned, caused by the use of the same by the public for a street crossing" and not the cost of structural changes, such as grading, planking, building sidewalks, etc., because the statute, enacted under the police power of the state, places such duty on the railroads. *City of Grafton v. St. Paul, M. & M. Ry. Co. et al.* (1907), — N. D. —, 113 N. W. Rep. 598.

The general rule in this kind of cases seems to be, that the railroad is not entitled to compensation for expenses required in complying with the police regulations of the state. *C. & A. R. R. Co. v. City of Pontiac*, 169 Ill. 155, 48 N. E. 485; *Chi., Bur., etc. R. R. v. Chicago*, 166 U. S. 226, 17 Sup. Ct. 581, 41 L. Ed. 979; *R. R. Co. v. Co. Comm'rs*, 79 Me. 386, 10 Atl. 113; *State v. District Ct.*, 42 Minn. 247, 44 N. W. 7. 7 L. R. A. 121; *Railway Co. v. Sharpe*, 38 O. St. 150. Perhaps a majority of courts, however, do not construe the rule so broadly as does the principal case, but allow the railroad just compensation for the cost of structural changes, such as raising the track, *Baltimore City v. Cowen*, 88 Md. 447, 41 Atl. 900, 71 Am. St. 433; building a gate or tower, *Grand Rapids v. Bennett*, 106 Mich. 528, 64 N. W. 585; grading and planking, *State v. Shardlow*, 43 Minn. 524, 46 N. W. 74; removal of buildings and changes in tracks, *M. & E. R. R. Co. v. Orange*, 63 N. J. L. 252, 43 Atl. 730; removing switch-stands and shortening side-tracks, *So. Kansas Ry. Co. et al. v. Okla. City*, 12 Okla. 82, 69 Pac. 1050. A few decisions go to the opposite extreme from the principal case and hold that the railroad should be paid for all outlays rendered necessary by the change, whether required under the police power or not, on the theory that such only is just compensation. *Kan. Cen. R. R. Co. v. Comm'rs of Jackson Co.*, 45 Kan. 716, 26 Pac. 394; *City of Kansas v. The K. C. Belt Ry. Co.*, 102 Mo. 633, 14 S. W. 808, 10 L. R. A. 851.

**EQUITY—MAXIMS—APPLICATION IN SUIT FOR DIVORCE ON STATUTORY GROUNDS.**—A wife, suffering from the effects of alcoholism, was so debilitated mentally that the husband had sought to have her placed in an asylum. For some reason this was not done, and, shortly after, the husband made a trip to